

**IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

UNITED STATES OF AMERICA,

Plaintiff,


vs.

**CASE NO: 00-6028  
CR DIMITROULEAS**

David Tracy,  
In Propria Persona, Sui Juris,

Accused.

**MOTION FOR STAY PENDING REVIEW**

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S.D. OF FLA.-FTL

Comes now, David Tracy, appearing specially and not generally herein, with a continuing challenge to the jurisdiction of this Court, and reminding this Court that the he has never entered a plea and objects to the proceedings, knowing that this Honorable Court will proceed regardless of whether jurisdiction has been proved, and moves this Honorable Court to stay the criminal proceedings, and each and every part thereof, pending review by the United States District Court of Appeal for the 11th Circuit of my Petition for Writ of Prohibition or Mandamus filed in the 11<sup>th</sup> Circuit on March 29, 2000, regarding the deprivation and the denial of a fundamental Constitutional right by the Honorable William P. Dimitrouleas, United States District Court Judge and in support thereof states the following:

1. On March 10, 2000, I was incarcerated for contempt in this instant action. Such incarceration was against my will and over my objections. The grounds for contempt stated by the Court was my willful refusal to obey a direct order by the Honorable Judge William P. Dimitrouleas.
2. The appearance to the Court of deliberate non-cooperation was inadvertent on my

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part, and was done in the furtherance of my exercise of the claiming of a constitutional right to assistance of counsel.

3. The Court misinterpreted my actions as contemptuous and there exists a very real danger to me of that same misinterpretation in the future. Therefore, in order to protect and defend my constitutional rights I am forced to stand *in gremio legis* and Petition for protection of the superior Court in this District in the form of an extraordinary writ.

4. Moreover, the District Court has forced appointed representation of Counsel upon me from the Public Defender's Office against my will and over my objections. An action which files directly in the face of the Faretta Doctrine

5. No other remedy for the assurance of the application and exercise of my constitutional rights exist in this action other than the Petition for an Extraordinary Writ. Judge Dimitrouleas has made it abundantly clear to me that if I claim a constitutional right which offends his temperate beliefs, I will be immediately incarcerated.

6. Although this Motion is directed to the District Court as an exhaustive prerequisite required by the rules, I do not expect a favorable ruling on this matter, directly due to the extreme prejudice and bias against me from the Court. And in that light, I request an expedited ruling.

7. The ramifications to me being required to stand the present proceedings without stay and continuance of this criminal action pending review are irreparable in nature. Furthermore, this request is not made for purposes of delay

**WHEREFORE** I respectfully request that this instant matter be stayed by this Honorable Court pending review as there is an extremely high likelihood of the granting of my Petition due to the direct conflict with Faretta

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was mailed/hand delivered to Matthew Menchel, A.U.S.A., 500 E. Broward Blvd., Suite 700, Fort Lauderdale, Florida, c/o the United States Attorney's office, Florida, on this 30<sup>th</sup> day of March, 2000

A handwritten signature in black ink, appearing to read 'D. Tracy', is written over a horizontal line.

David Tracy,  
In Propria Persona, Sui Juris,  
POB 11638  
Fort Lauderdale, Florida [33339]  
(954) 398-3483